

REMARKS

In the Office Action mailed on February 6, 2007, the Examiner rejected claims 1-3, 7, 10-14, 17, 21 and 22 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,774,664 to Hidary; rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of U.S. Patent No. 6,792,618 to Bendinelli; rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of U.S. Patent Application Publication No. 2002/0010932 to Nguyen; rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Hidary and Nguyen as applied to claim 8 and further in view of U.S. Patent Application Publication No. 2003/0026270 to Ekkel; rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Hidary; rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of U.S. Patent Application Publication No. 2002/0124255 to Reichardt; rejected claims 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of U.S. Patent No. 6,349,410 to Lortz and rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of Ekkel.

In response, Applicant has amended claims 1 and 17. No new matter has been added.

In rejected claim 1, the Examiner asserts that Hidary teaches “providing channel map information to said internet appliance.” This assertion is incorrect. Hidary teaches embedding a hyperlink into a web page wherein the hyperlink calls up a specific television channel. This is not the same as a channel map. Hidary doesn’t even use the phrase “channel map” anywhere in his specification.

A channel map is a set of data that correlates a particular broadcaster with a particular frequency. This is important when blending the cable television medium with the Internet data medium as is done in the present application.

Suppose the FOX<sup>TM</sup> channel provides a website listing all of its programs, shows and specials. This website may also contain a hyperlink to a video clip or source of streaming content from a particular program. This website is the same for everyone in the United States. Thus a user of the website in Philadelphia gets the same content as a user of the website in Washington D.C.

Many television cable providers also provide FOX<sup>TM</sup> programs for their customers to watch. In each area or region, the FOX<sup>TM</sup> programs will be distributed on a particular frequency. In the Philadelphia region, FOX<sup>TM</sup> broadcasts may be carried on the 187.25 MHz band (channel 9). In the Washington D.C. area, the same FOX<sup>TM</sup> broadcast may be carried on the 77.25 MHz frequency (channel 5). A channel map provides the information as to which content provider is broadcasting content on which frequency or channel.

Hidary does not teach or describe using a channel map. Instead, Hidary embeds a specific frequency into or with the hyperlink. Thus, Hidary must know where each user is located and which frequency the FOX<sup>TM</sup> network is broadcasting on in that area. Thus, when a user in Philadelphia clicks on a hyperlink provided on a FOX<sup>TM</sup> website requesting to receive a television program, the server responds with the frequency 187.25 MHz.

Hidary does not use a channel map because there is a correspondence between what each website outputs as hyperlinks and the broadcast television signal received in

his system. In one example, Hidary places URLs for particular websites in the VBI lines of the television broadcast. See column 4, lines 48-49. Thus a FOX<sup>TM</sup> program will carry URLs for other FOX<sup>TM</sup> programs or content. FOX<sup>TM</sup> would not put URLs supporting a rival network, such as ABC<sup>TM</sup> or CBS<sup>TM</sup>, in it's program's VBI lines. Since Hidary has this correspondence between a website and a channel built into his system, there is no need for a channel map to locate a particular broadcaster and associated broadcasting frequency. Similarly, the hyperlink on one of Hidary's webpages supporting FOX<sup>TM</sup> would only go one of FOX's<sup>TM</sup> channels.

In contrast, the present invention does not require a similar correspondence between a website and a particular broadcaster. Thus, a user could be viewing a website provided by a third-party, say one that provides information and critiques about action programs on television. This website may discuss the show 24 on FOX<sup>TM</sup>. FOX<sup>TM</sup> could pay to have an advertisement inserted into that website that would allow the user to click on it, discover which frequency FOX<sup>TM</sup> is broadcasting on via the channel map, and then provide that show to the user's television.

In addition, Hidary does not teach or suggest "communicating a tune command to said television appliance" as presently claimed in claim 1. Instead, the tune command appears to remain internal to Hidary's PC16. This conclusion is supported by Hidary stating that a TV window (emphasis added) is used to show the program. See column 8, line 67 – column 9, line 1; column 3, lines 33-36; column 7, lines 59-65. This window is displayed on the PC and not the television. Thus, Hidary does not describe "communicating a tune command to said television appliance" as claimed.

Finally, claim 1 also recites “performing a first action in response to tuning to said channel.” The Examiner cites to column 8, lines 46-49 in Hidary as support for teaching this limitation. No other action by either the PC or television is listed by Hidary in this section.

With respect to claim 2, Hidary does not use a channel map as previously described. It therefore follows that Hidary does not teach or suggest the limitations of claim 2.

With respect to claim 7, Hidary’s column 5, lines 53-55 does not describe providing a channel map as asserted by the Examiner. Indeed, the phrase “channel map” is not even used in this section, let alone anywhere in Hidary. What Hidary does describe in this section is the broadcasters or content providers entering a “secure” website so that they may enter particular URLs and times of insertion of those URLs into VBI lines of certain programs. Again, putting URLs into VBI lines is not the same as providing a channel map.

With respect to claims 11 and 12, for the same reasons Hidary does not use a channel map, Hidary does not include a channel identifier in any link.

With respect to claim 6, Hidary does not describe or use a channel map as previously described. It therefore follows that Hidary would not be modified by one of ordinary skill in the art to transmit a channel map from a television appliance to an internet appliance as alleged by the Examiner.

In addition, Bendinelli does not use the phrase “channel map” anywhere in his specification either. Thus, Bendinelli does not teach transmitting a channel map from one device to another as asserted by the Examiner.

Finally, the combination of Hidary and Bendinelli does not operate as suggested by the Examiner. Specifically, Bendinelli transmits URLs embedded in a television signal. Thus, the television signal is the means for the user to get to a particular website. See column 6, lines 35-44. The Examiner relies on a portion of Hidary that provides a television signal to a user via a website (i.e., the inverse of what Bendinelli is describing). Thus, the combination of Hidary and Bendinelli does not operate, nor arrive at the claimed invention.

With respect to claim 9, again Hidary does not teach or suggest utilizing a channel map as previously described. In addition, the motivation provided by the Examiner of, “cut[ting] down on developmental costs” is simply not understood. Applicant is unaware of Hidary or Nguyen providing a description of their respective developmental costs that would cause one of ordinary skill in the art to turn to Ekkel.

Claims not specifically mentioned above are allowable due to their dependence on an allowed base claim.

CONCLUSION

No fees beyond the fees for the Petition for a Two (2) Month Extension of Time are due for this response. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

Christopher J. Stone

/Benjamin D. Driscoll/  
Benjamin D. Driscoll  
Reg. No. 41,571  
Motorola, Inc.  
101 Tournament Drive  
Horsham, PA 19044  
P (215) 323-1840  
F (215) 323-1300

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